

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THE OFFICIAL COMMITTEE OF	)	
UNSECURED CREDITORS OF	)	
ALLEGHENY HEALTH, EDUCATION	)	
AND RESEARCH FOUNDATION,	)	
	)	
Plaintiff,	)	Civil Action No. 00-684
	)	
v.	)	
	)	Judge David Stewart Cercone
PRICEWATERHOUSECOOPERS, LLP,	)	
	)	
Defendant.	)	

**MOTION FOR LEAVE TO FILE THE COMMITTEE’S BRIEF IN RESPONSE TO  
PwC’S SUPPLEMENTAL BRIEF IN SUPPORT OF PwC’S MOTION FOR SUMMARY  
JUDGMENT AND THE COMMITTEE’S BRIEF IN FURTHER OPPOSITION TO  
PwC’S MOTION TO EXCLUDE TESTIMONY CONCERNING DAMAGE THEORIES**

Plaintiff The Official Committee of Unsecured Creditors of AHERF moves for leave to file the attached, eleven-page response to PwC’s supplemental brief in support of PwC’s motion for summary judgment and in further opposition to PwC’s motion to exclude testimony concerning the Committee’s damage theories. In support, the Committee states:

1. On June 23, 2006, PwC filed an unopposed motion for leave to file a supplemental brief in support of its motion for summary judgment. As noted in PwC’s request for leave, the Committee’s acquiescence in PwC’s supplemental briefing was premised on the expectation that it would be granted leave to respond in turn.

2. On July 7, 2006, the Court granted PwC’s motion for leave.

3. In its supplemental brief, PwC argued that a recently decided case, *In re CitX Corp.*, 448 F.3d 672 (3d Cir. 2006), supported two of its pending motions:

- PwC’s motion for summary judgment (filed May 6, 2005; doc. no. 101); and

- PwC's motion to exclude testimony concerning certain damage theories proffered by R. Bruce Den Uyl (filed May 6, 2005; doc. no. 107).

4. The Committee seeks leave to file the attached responsive brief. This brief responds to arguments now advanced by PwC in connection with both of the motions referenced in the preceding paragraph and therefore is commended to the Court for review when the Court takes those motions up.

The Committee therefore respectfully requests that the Court grant it leave to file the attached response to PwC's supplemental brief in support of its motion for summary judgment. A proposed order is attached.

Dated: July 13, 2006

Respectfully submitted,

/s/ James M. Jones

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